

2016-2017 BUDGET QUESTION

Response to Request for Information

DEPARTMENT: Austin Code

REQUEST NO.: 88

REQUESTED BY: Casar

DATE REQUESTED: 8/15/17

DATE POSTED: 8/31/17

REQUEST: For each quarter in FY 2015, FY 2016 and FY 2017 year-to-date, what are the number of cases sent to the Buildings and Standards Commission and the City Attorney. What are the amount of fines assessed and collected? How many complaints were closed with full compliance, non-compliance, future legal action, etc.?

RESPONSE:

Background facts:

1. Revenue from Fines/Penalties: While every effort is made to ensure compliance with judicial/quasi-judicial orders, the timing and rate of return to the city is unpredictable and unreliable. The cost-benefit of a civil suit filed by the city must be weighed. It is also important to note, even if the city prevails in a civil law suit to collect outstanding penalties, actual payment is unpredictable.
2. Court Authority to Compel Compliance: State district court has the authority to compel a property owner to bring property conditions into compliance with City Code.

Building & Standards Commission (BSC)			
The BSC is a sovereign body established to hear cases concerning alleged violations of the City's housing and dangerous buildings regulations. Relief: In the form of orders for repair, demolition, vacate, relocate, and/or assess monetary penalties. Orders are filed in the deed records and run with the land. <u>Civil suits may be filed against the owner to collect the penalties.</u> Decisions of the BSC may be appealed to District Court.			
Code Cases presented to the BSC	FY 2015	FY 2016	FY 2017 (YTD)
Cases – Quarter 1	26	22	4
Cases – Quarter 2	108*	18	29
Cases – Quarter 3	87	14	12
Cases – Quarter 4	24	10	21
Total Cases	245*	64	66
Complaints Closed – Full Compliance	48	47	3

**108 represents one property owner with 83 units*

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Municipal Court	FY 2015	FY 2016	FY 2017 (YTD)
The Municipal Court is the judicial branch of the government of the City of Austin. The court adjudicates criminal violations, which includes traffic and city ordinance violations. Relief: A monetary fine. Decisions may be appealed to County Court.			
Code Cases filed in MC	FY 2015	FY 2016	FY 2017 (YTD)
Cases – Quarter 1	65	33	31
Cases – Quarter 2	90*	37	50
Cases – Quarter 3	58	47	75
Cases – Quarter 4	51	40	13
Total Cases	264	157	169
Complaints Closed – Full Compliance	206	93	80

**ACD created one-time initiative to focus on work without permit*

Administrative Hearing (AHP)			
The administrative hearing process is used to enforce ordinances: for the preservation of public safety, relating to the materials or methods used to construct a building or improvement; relating to the fire safety of a building or improvement; relating to dangerously damaged or deteriorated buildings or improvements; relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents; or relating to a building code or to the condition, use, or appearance of property in a municipality. Relief: Assess monetary penalties against the violator. <u>Civil suit may be filed against the violator to collect penalty and to seek an injunction.</u> Decisions (or orders) of the Administrative Hearing Officer may be appealed to Municipal Court.			
Code Cases presented to AHP	FY 2015*	FY 2016	FY 2017 (YTD)
Cases – Quarter 1	-	28	30
Cases – Quarter 2	5	56	38
Cases – Quarter 3	17	36	43
Cases – Quarter 4	35	49	17
Total Cases	57	169	128
Complaints Closed – Full Compliance	46	80	35

**FY2015 Program launched*

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District Court- Travis County			
State District Court has jurisdiction in cases that concern violations of City Code requirements related to minimum standards of maintenance, unsanitary conditions and use of property, as well as properties with high criminal activity. Relief: Require the property owner to comply with City Code; Assess monetary penalties; Appoint a receiver; and/or close the property for one year (if high criminal activity). Decisions of the District Court may be appealed to state appeal courts.			
District Court- Travis County	FY 2015	FY 2016	FY 2017 (YTD)
Code Cases filed in District Court	1	2	-

Fines			
	FY 2015	FY 2016	FY 2017 (YTD)
Building and Standards Commission			
Fines Assessed	\$3,043,151	\$ 2,145, 399	\$26,743
Fines Collected	\$165,050	\$158,360	\$9,179
Municipal Court			
Fines Assessed*	\$75,169	\$47,250	\$51,038
Fines Collected*	\$49,503	\$25,690	\$15,905
Administrative Hearing			
Fines Assessed	\$24,900	\$86,565	\$85,165
Fines Collected	\$4,575	\$16,275	\$9,825

**Municipal Court Data Source: Judicial Enforcement Management System (JEMS)*